

REMARKS

Claims 1-16 and 18-27 are pending in this application. Claim 17 has previously been cancelled without prejudice. Claims 1 and 23 have been amended herein. Support for these amendments may be found throughout the specification and in the FIGS. and in the originally filed claims, for example see claim 3. No new matter has been added. Favorable consideration and allowance are respectfully requested.

I. Claim Rejections under 35 U.S.C. §102

A. Tiessen-Simony

Claims 1-8, 11, 12, 14, 18, 19 and 22-27 have been rejected under 35 U.S.C. §102(b) as being anticipated by Tiessen-Simony (U.S. 5,522,803).

Applicants respectfully traverse the rejection based on Tiessen-Simony. Applicants respectfully request reconsideration of the rejected claims in light of the traversals and the claim amendments discussed below. Claim 1 recites a basing having retention devices extending upwardly from an upper surface of the base and that the at least two arms are movable in a laterally inward direction, in a laterally outward direction and in an upward direction away from the base such that movement of the arms in either the laterally inward direction, the laterally outward direction or the upward direction allows disengagement of the arms from the retention devices. Claim 23 recites a releasable locking member extending upwardly from the upper surface for releasably connecting the infusion part to the connector. Claim 23 further recites that an arm of the connector is movable in a laterally inward direction, in a laterally outward direction and in an upward direction away from the base such that movement of the arm in either the laterally inward direction, the laterally outward direction or the upward direction allows disengagement of the arm from the upwardly extending releasable locking member. The upwardly extending retention devices (releasable locking member) engaging the flexible arm(s) advantageously permits a wider range of movement of the arm(s) for disengagement as opposed to a closed retention chamber that

restricts the movement of the arms. These features are clearly not taught by Tiessen-Simony.

Tiessen-Simony is directed to an infusion set having locking means for releasably interlocking the cannula housing and the needle hub. (Abstract.) The locking openings 17 and 18 are of a relatively rectangular cross section following a rectilinear course parallel to the central axis 14. (See Col. 5, lines 7-12.) As illustrated in FIG. 13, these locking pins 31 and 32 comprise their respective barb-forming extension 33 and 34 for a locking engagement behind the shoulders 25 and 26, respectively, in the locking openings 17 and 18. (Col. 5, lines 30-34.) The locking openings 17, 18 on the cannula housing 1 of Tiessen-Simony are openings that extend in a direction along the patient's skin and the base and do not extend upwardly from an upper surface of the base. In addition, the extensions 33 and 34 of Tiessen-Simony are enclosed in the rectangular locking openings 17, 18 and are not movable in a laterally inward direction, in a laterally outward direction and in an upward direction away from the base such that movement of the arms in either the laterally inward direction, the laterally outward direction or the upward direction allows disengagement of the arms from the retention devices.

Tiessen-Simony clearly fails to teach or suggest a basing having retention devices extending upwardly from an upper surface of the base and that the at least two arms are movable in a laterally inward direction, in a laterally outward direction and in an upward direction away from the base such that movement of the arms in either the laterally inward direction, the laterally outward direction or the upward direction allows disengagement of the arms from the retention devices as required by claim 1. Tiessen-Simony also clearly fails to teach or suggest a releasable locking member extending upwardly from the upper surface for releasably connecting the infusion part to the connector and that an arm of the connector is movable in a laterally inward direction, in a laterally outward direction and in an upward direction away from the base such that movement of the arm in either the laterally inward direction, the laterally outward direction or the upward direction allows

disengagement of the arm from the upwardly extending releasable locking member as required by claim 23.

Thus, Applicants respectfully assert that the claimed invention in claims 1 and 23 is not anticipated by Tiessen-Simony. Applicants respectfully request the rejection of claims 1-8, 11, 12, 14, 18, 19 and 22-27 under 35 U.S.C. §102(b) be withdrawn.

B. Hunn et al.

Claims 1, 7 and 8 have been rejected under 35 U.S.C. §102(e) as being anticipated by Hunn et al. (U.S. 2004/0158207).

Applicants respectfully traverse the rejection based on Hunn et al. Applicants respectfully request reconsideration of the rejected claims in light of the traversals and the claim amendments discussed below. Claim 1 recites that the at least two arms are movable in a laterally inward direction, in a laterally outward direction and in an upward direction away from the base such that movement of the arms in either the laterally inward direction, the laterally outward direction or the upward direction allows disengagement of the arms from the retention devices.

Hunn et al. is directed to an infusion set. A plug 9 is connected to the foundation body 1 for liquid supply. The plug 9 is tilted downwards about the point of rotation defined by the engagement of the edge 9b of the plug 9 with the gap defined by edge 1c of the foundation body 1. (Paragraph 0068.) When plug 9 is completely tilted down, the latch devices 15 provided laterally on the plug 9 latch with the latching projections 1b of the foundation body 1. As shown in FIG. 6 of Hunn et al., the latch devices 15 insert into rectangular openings (not labeled) that restrict the movement of the latch device 15, similar to Tiessen-Simony discussed above.

In contrast, claim 1 recites at least two arms are movable in a laterally inward direction, in a laterally outward direction and in an upward direction away from the base such that movement of the arms in either the laterally inward direction, the laterally outward direction or the upward direction allows disengagement of the arms from the retention devices. Clearly, Hunn et al. fails to teach or suggest each of the limitations of claim 1.

Applicants respectfully request the rejection of claims 1, 7 and 8 under 35 U.S.C. §102(e) be withdrawn.

II. Claim Rejections under 35 U.S.C. §103

A. Claim 9

Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tiessen-Simony in view of Wojcik (U.S. 6,572,586).

Applicants respectfully traverse the rejection. Wojcik has been cited for teaching plastic materials such as polypropylene, polycarbonate or polyurethane. Dependent claim 9 depends from independent claim 1 that was patentably distinguished from Tiessen-Simony as discussed above. Accordingly, claim 9 is also distinguished over Tiessen-Simony. Wojcik cannot make up the deficiencies of Tiessen-Simony.

Therefore, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. §103(a) be withdrawn.

B. Claim 10

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tiessen-Simony in view of Reiterman (U.S. 3,670,727). Applicants respectfully traverse the rejection. Dependent claim 10 depends from independent claim 1 that was patentably distinguished from Tiessen-Simony as discussed above. Reiterman has been cited for teaching infusion set wings of a different color. However, Reiterman cannot make up the deficiencies of Tiessen-Simony.

Therefore, Applicants respectfully request that the rejection of claim 10 under 35 U.S.C. §103(a) be withdrawn.

C. Claim 13

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tiessen-Simony.

Applicants respectfully traverse the rejection. Dependent claim 13 depends from independent claim 1 that was patentably distinguished from Tiessen-Simony as discussed above.

Therefore, Applicants respectfully request that the rejection of claim 13 under 35 U.S.C. §103(a) be withdrawn.

D. Claims 15 and 16

Claims 15 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tiessen-Simony in view of Brantigan (U.S. 3,893,448). Applicants respectfully traverse the rejection. Dependent claims 15 and 16 depend from independent claim 1 that was patentably distinguished from Tiessen-Simony as discussed above. Brantigan has been cited for teaching a needle made of silicon rubber. However, Brantigan cannot make up the deficiencies of Tiessen-Simony.

Therefore, Applicants respectfully request that the rejection of claims 15 and 16 under 35 U.S.C. §103(a) be withdrawn.

E. Claims 20 and 21

Claims 20 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hunn et al. in view of Gaba (U.S. 5,697,907). Applicants respectfully traverse the rejection. Dependent claims 20 and 21 depend from independent claim 1 that was patentably distinguished from Hunn et al. as discussed above. Gaba has been cited for teaching a retainer that pivots. Gaba cannot make up the deficiencies of Hunn et al.

Therefore, Applicants respectfully request that the rejection of claims 20 and 21 under 35 U.S.C. §103(a) be withdrawn.

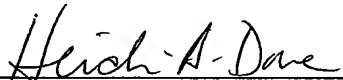
III. Summary

In view of the foregoing, Applicants respectfully assert that the application is in condition for allowance. Allowance of the present claims is earnestly solicited.

Should the Examiner wish to discuss any of the above submissions in more detail, the Examiner is asked to please call the undersigned at the telephone number listed below.

Respectfully submitted,

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